

HOUSE BILL NO. _____

Wildlife and natural resource funding act.

Sponsored by: Joint Travel, Recreation, Wildlife and
Cultural Resources Interim Committee

A BILL

for

1 AN ACT relating to natural resources; establishing a
2 Wyoming wildlife and natural resource trust account and an
3 income account; specifying uses of the account;
4 establishing procedures for expenditures from the account;
5 providing appropriations; providing for future recommended
6 appropriations; establishing a board and providing for
7 duties and other administration of the account; specifying
8 legislative findings; and providing for an effective date.

9

10 *Be It Enacted by the Legislature of the State of Wyoming:*

11

12 **Section 1.** W.S. 9-15-101 through 9-15-106 are created
13 to read:

14

15 **9-5-101. Short title.**

16

1 This act shall be known and may be cited as the "Wyoming
2 Wildlife and Natural Resource Funding Act."

3

4 **9-15-102. Definitions.**

5

6 (a) As used in this act:

7

8 (i) "Board" means the Wyoming wildlife and
9 natural resource trust account board created by W.S.
10 9-15-104;

11

12 (ii) "Income account" means the Wyoming wildlife
13 and natural resource trust income account created by W.S.
14 9-15-103(b);

15

16 (iii) "Large project" means a project for which
17 the grant sought under this act equals or exceeds five
18 hundred thousand dollars (\$500,000.00);

19

20 (iv) "Small project" means a project for which
21 the grant sought under this act is less than five hundred
22 thousand dollars (\$500,000.00);

23

1 (v) "Trust account" means the Wyoming wildlife
2 and natural resource trust account created by W.S.
3 9-15-103(a);

4

5 (vi) "This act" means W.S. 9-15-101 through
6 9-15-106.

7

8 **9-15-103. Wyoming wildlife and natural resource trust account created;**
9 **income account created; expenditures; purposes.**

10

11 (a) A trust account is created to be known as the
12 Wyoming wildlife and natural resource trust account. The
13 trust account shall consist of those funds designated to
14 the account by law and all monies received from federal
15 grants and other contributions, grants, gifts, transfers,
16 bequests and donations to the trust account. The trust
17 account is specifically empowered to accept grants, gifts,
18 transfers, bequests and donations including those which are
19 limited in their purposes by the grantor. Notwithstanding
20 W.S. 36-2-101 or other law to the contrary, title to any
21 interest in property conveyed to the trust account shall be
22 in the name of the board. Funds deposited within the trust
23 account are intended to be inviolate and constitute a
24 perpetual trust account which shall be invested by the

1 state treasurer as authorized under W.S. 9-4-711 and in a
2 manner to obtain the highest return possible consistent
3 with preservation of the account corpus.

4
5 (b) The state treasurer shall credit annually to a
6 Wyoming wildlife and natural resource trust income account
7 the interest earned from investment of the trust account
8 corpus. Until June 30, 2008, the legislature may, from
9 time to time, appropriate funds directly to the income
10 account for distribution in accordance with the terms of
11 this act. Such specially appropriated funds shall be
12 credited directly by the state treasurer to the income
13 account and are available to the board for award of grants
14 as otherwise permitted by this act.

15
16 (c) Individuals and other entities may also grant,
17 give, transfer, bequest or donate funds to the trust
18 account or the income account. Such funds shall be
19 credited by the state treasurer to either the trust account
20 or the income account, as appropriate, in a manner
21 consistent with the conditions attached to their receipt.

22
23 (d) The board may expend funds from the income account
24 for staffing and other administrative expenses authorized

1 under this act. Additional disbursements from the income
2 account shall be for the following purposes:

3
4 (i) Improvement and maintenance of existing
5 terrestrial habitat necessary to maintain native wildlife
6 populations;

7
8 (ii) Improvement and maintenance of existing
9 aquatic habitat necessary to maintain native fish
10 populations;

11
12 (iii) Acquisition of terrestrial or aquatic
13 habitat when existing habitat is determined critical, or is
14 present in minimal amounts, and acquisition presents the
15 necessary factor in attaining or preserving desired native
16 wildlife or fish population levels;

17
18 (iv) Conservation, maintenance, protection and
19 development of native nongame wildlife resources;

20
21 (v) Participation in water storage projects for
22 wildlife and instream flow purposes; or

23

1 (vi) To address and mitigate impacts associated
2 with residential, mineral and industrial development on
3 natural resources.

4

5 (e) The board shall not have the power of eminent
6 domain and only has the power to accept or dispose of an
7 interest in property, whether in fee, by way of easement,
8 or otherwise, when the transaction with the board is that
9 of a willing conveyor of the interest.

10

11 **9-15-104. Wildlife and natural resource trust account**
12 **board established; terms; meetings; duties.**

13

14 (a) There is created the Wyoming wildlife and natural
15 resource trust account board. The board shall consist of
16 seven (7) members appointed by the governor and confirmed
17 by the senate, who are residents of Wyoming. Not more than
18 four (4) members shall be of the same political party.

19

20 (b) Except for the initial board, each appointed
21 member of the board shall serve for a term of three (3)
22 years. Of the initial appointees, two (2) members shall be
23 appointed for one (1) year, two (2) members shall be
24 appointed for two (2) years and three (3) members shall be

1 appointed for three (3) years. The governor may remove any
2 member as provided in W.S. 9-1-202. Any vacancy occurring
3 between sessions of the legislature may be filled by the
4 governor as provided under W.S. 28-12-101(b). The board
5 shall select one (1) of its members to serve as chair.

6
7 (c) Administration of any property held by the board
8 shall be by the secretary to the board, who shall be
9 employed by the board. The secretary shall not be housed
10 in any agency which may be a grantee under this act. The
11 secretary to the board shall further act as liaison for the
12 board to other state, federal and local governmental
13 agencies, as well as nonprofit organizations.

14
15 (d) The board shall meet regularly. Members shall
16 serve without compensation but shall be reimbursed for
17 expenses incurred in the performance of their duties in the
18 manner and amounts provided by law for state employees.

19
20 (e) The board shall receive and evaluate applications
21 for grants from the income account. The board shall review
22 applications, approve projects and assure compliance with
23 the terms of grants. The board may approve grants from the
24 account for small projects. Funds for small projects are

1 continuously appropriated from the income account for
2 grants approved by the board. The board may recommend to
3 the governor the funding of large projects. No funds shall
4 be expended for large projects except upon specific
5 legislative appropriation of funds from the income account.

6

7 (f) The board shall adopt rules and regulations in
8 accordance with the Wyoming Administrative Procedure Act as
9 necessary to carry out its duties under this act, including
10 rules to:

11

12 (i) Establish criteria for grants from the
13 income account which accomplish the purposes of this act;

14

15 (ii) Establish criteria for matching funds or
16 other in-kind contributions from grantees;

17

18 (iii) Evaluate, rank and prioritize grant proposals;

19

20 (iv) Review and monitor grants to grantees;

21

22 (v) Emphasize citizen access for hunting, fishing
23 and recreation activities;

24

1 (vi) Establish criteria for the acceptance or
2 rejection of gifts, transfers, bequests and donations
3 including interest in real or personal property;
4

5 (vii) Consider other necessary matters.
6

7 (g) In fulfilling its duties under this act the board
8 may:
9

10 (i) Consult with the game and fish commission, the
11 department of state parks and cultural resources and the
12 department of agriculture, as well as other governmental
13 agencies and nonprofit organizations, as necessary;
14

15 (ii) Accept or decline federal grants and other
16 contributions, grants, gifts, transfers, bequests and
17 donations from any source.
18

19 (h) The board shall annually report to the governor,
20 the joint appropriations interim committee and the joint
21 travel, recreation, wildlife and cultural resources interim
22 committee no later than October 1 with respect to all
23 federal grants, state appropriations and other
24 contributions, grants, gifts, bequests and donations

1 received and credited to the trust account and income
2 account during the preceding fiscal year. The report shall
3 include grants awarded by the board to nonprofit and
4 governmental organizations and progress made toward the
5 condition of any grant made.

6
7 (j) The governor shall include in his proposed state
8 budget submitted in accordance with W.S. 9-2-1013, his
9 recommendations for funding from the income account of
10 projects submitted by the board under this section. Until
11 the corpus of the trust account exceeds two hundred million
12 dollars (\$200,000,000.00) the governor may also include in
13 his proposed state budget recommendations for additional
14 funding of the corpus of the trust account. Through the
15 fiscal year ending June 30, 2008, the governor may also
16 include in his proposed state budget recommendations for
17 additional funding of the income account.

18
19 **9-15-105. Grant applications; eligible entities.**
20

21 (a) The board may only grant funds to nonprofit and
22 governmental organizations. The board shall award grants
23 to promote, preserve and enhance the unique wildlife and
24 environmental heritage of Wyoming and its people. The

1 board shall have the discretion to determine the amount of
2 each grant and any conditions attached to the grant. For
3 the purposes of this act, a grant may include the
4 acquisition of an interest in real or personal property.
5

6 (b) Grants by the board are not intended to provide a
7 supplement to, or replacement of, the operating budget of
8 any governmental agency or nonprofit organization except as
9 those funds are directly related to the purposes of the
10 grant.
11

12 **9-15-106. Audits.**
13

14 The director of the department of audit or his designee
15 shall audit the trust account biennially. Copies of the
16 audit shall be provided to the governor, the joint
17 appropriations interim committee and the joint travel,
18 recreation, wildlife and cultural resources interim
19 committee.
20

21 **Section 2.**
22

23 (a) The legislature finds:
24

1 (i) Wyoming possesses a unique wildlife and
2 environmental heritage;

3

4 (ii) Wyoming's unique wildlife and environmental
5 heritage is vital to our citizens' quality of life and our
6 state's economy, now and for future generations;

7

8 (iii) The development of Wyoming's mineral
9 resource endowment will be enhanced by allocating state
10 resources to the maintenance and improvement of wildlife
11 and wildlife habitat;

12

13 (iv) Citizens' access to outdoor recreation,
14 hunting and fishing, particularly on public lands, is a
15 significant priority in Wyoming;

16

17 (v) Continued reliance on sportsmen's license
18 fees and limited grants from the federal government is
19 inadequate to maintain Wyoming's unique wildlife and
20 environmental heritage.

21

22 (b) It is the purpose of this act to promote, preserve
23 and enhance this unique Wyoming heritage by creating a
24 Wyoming wildlife and natural resource trust account

1 administered by a citizen board to coordinate public and
2 private donations and manage distribution of the investment
3 earnings from the trust account.

4

5 **Section 3.**

6

7 (a) There is appropriated seventy-five million
8 dollars (\$75,000,000.00) from the budget reserve account to
9 the Wyoming wildlife and natural resource trust account.

10

11 (b) There is appropriated from the budget reserve
12 account to the Wyoming wildlife and natural resource income
13 account one hundred thousand dollars (\$100,000.00) to
14 provide staffing and expenses of the wildlife and natural
15 resource account board as authorized under this act for the
16 fiscal period commencing July 1, 2005 and ending June 30,
17 2006.

18

19 **Section 4.** This act is effective July 1, 2005.

20

21 (END)

22